

### **REMARKS**

Claims 1-35 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection and objections in view of the amendments and remarks contained herein.

### **OBJECTIONS TO CLAIMS**

Claims 29 and 30 were objected to as not including periods at the end of each claim. A minor amendment has been made in each of these claims to remove the semicolon at the end of each, and to add a period at the end of each claim. It is believed that these minor amendments remove this ground for objection and reconsideration is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimbrough (U.S. Pat. No. 6,781,981). This rejection is respectfully traversed.

Initially it will be noted that the independent claims have been amended to more positively emphasize that one or more specific, packet-based links within the packet-switched backplane are selected through the use of a logic unit to enable the packet-based signal to be selectively distributed to one or more of the payloads. For convenience, the pertinent portion of currently amended claim 1 is reprinted below as follows:

*a packet switched backplane having a plurality of packet based links, the packet switched backplane coupling the switch node and the plurality of payload nodes, wherein the data from the DS3 signal, as the packet-based signal, is ~~selectively~~ distributed to*

*one or more of the plurality of payload nodes by the packet switched backplane; and*  
*said switch node including a logic unit to map the packet-based signal onto a selected one of a plurality of packet based links of the packet switched backplane, to thus enable selective distribution of the packet based signal to a selected one or more of the payload nodes.*

Independent claims 10 and 19 have been amended along similar lines. This structure and method of operation is not shown or suggested by Kimbrough.

Kimbrough relates to a system in which digital subscriber line (DSL) services may be added to a digital loop carrier (DLC) system so that both voice services and high speed data services can be provided over a single twisted wire pair voice line. This is accomplished by using a combination voice/DSL line-card 52 and a digital uplink card 91 which are plugged into slots in a copper shelf 22. Each copper shelf 22 is a chassis that includes a backplane. The one or more copper shelves 22 each include one digital packet data bus 68. And as explained in the previous response, the backplane is **not** described as being a "packet switched" backplane.

In Kimbrough, there is no suggestion or disclosure that the backplane of each copper shelf 22 includes "*a plurality of packet based links*" that may be selectively selected by a separate component or subsystem, so that a packet based signal may be selectively routed through the backplane to one or more "*payload*" nodes. In fact this appears to be impossible with the system of Kimbrough because Kimbrough explains that each combination voice/DSL line-card 52 and its associated digital uplink card 91 are associated with a specific, single customer. The Examiner's attention is politely directed to column 7, lines 9-13 in Kimbrough where it is stated:

*"The combination voice/DSL Line-card 52 and the digital data uplink card 91 plug into the one or more copper shelves. There is one combination voice/DSL line-card 52 for each customer that wants not only voice service, but high-speed DSL service as well. (Emphasis added)*

The illustration of Figure 3 and its associated text (Column 7, lines 9-57) also discusses how the DSL signals and the voice signals are handled by the two cards 52 and 91. This makes it clear that there is one separate voice/DSL line card 52 for each customer desiring voice and DSL service.

The Examiner is also encouraged to re-review drawing Figure 2 in Kimbrough, as well as Figure 3, because these figures buttress the fact that there appears to be no way to selectively switch (i.e., select) between one or more packet based links within the backplane of Kimbrough. For example, in Figure 2 of Kimbrough the auxiliary data packet bus 68 over which the DSL data packets are transmitted is tied to every single line card 52 plugged into the copper shelf 22. There is simply no means shown or suggested by which the line cards 52 can each decide which one of two or more different packet based links of the backplane 22 are to be used to distribute the packet based signal to different payloads. And as mentioned above, the backplane 22 does not even appear to provide multiple packet based busses, but rather is described to only have a single data packet based bus 68 (see Col. 8, lines 12-18).

The present system and method, however, provides a system where D3 signal information can be transformed into a packet-based format and then selectively routed through one or more selected packet based links of a packet switched backplane, using a logic device, to one or more selected payloads. This is different from Kimbrough because Kimbrough does not appear able to provide selective routing through its

backplane 66 to one or more specific, selected customers. Again, Kimbrough only appears able to provide packetized information to specific customers associated with a specific one of the voice/DSL line-cards 52. In view of these important distinctions and limitations of Kimbrough, reconsideration and withdrawal of the rejection of claims 1-35 under 35 U.S.C. §103 in view of Kimbrough is respectfully requested.

#### **AMENDMENTS TO SPECIFICATION**

Minor amendments, primarily of a grammatical nature, have been made throughout the specification. These amendments are intended to even further improve the readability of the specification, but do not involve the addition of any new matter into the application at this time. Entry of these amendments is respectfully requested.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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